

**UNITED STATES DISTRICT COURT
District of Maine**

WILLIAM MCBROOM STEES,)
)
 Plaintiff)
)
 v.)
)
 GUARD, MAINE STATE PRISON,)
 et als.,)
 Defendant)
)

No. 1:14-CV-00133-GZS

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 26, 2015, his Recommended Decision (ECF No. 37). Plaintiff filed his Objection to the Recommended Decision (ECF No. 39) on February 6, 2015. Defendants filed their Objection to the Recommended Decision (ECF No. 40) on February 9, 2015. Defendants filed their Response to Plaintiff's Objection to the Recommended Decision (ECF No. 41) on February 20, 2015. Plaintiff filed his Response to Defendants' Objection to the Recommended Decision (ECF No. 42) on February 23, 2015.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that Defendants' Motion to Dismiss and Motion for Summary Judgment (ECF No. 33) is **DENIED**.
3. It is **ORDERED** that Plaintiff's Motion to Amend Scheduling Order (ECF No. 30) is **DENIED**.
4. The issue whether Plaintiff has exhausted his administrative remedies will be determined by this Court after an evidentiary hearing.

/s/George Z. Singal

U.S. District Judge

Dated this 25th day of February, 2015.